

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

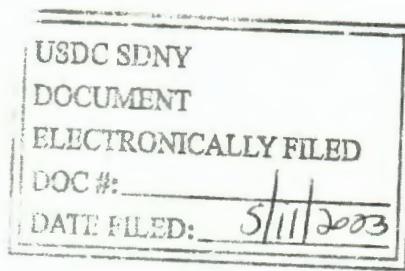
_____ x
mCom IP, LLC,

Plaintiff,

-against-

BackBase U.S.A. Inc.

Defendant.



_____ x
22 civ. 2046 (CM)

ORDER TRANSFERRING CASE TO NORTHERN DISTRICT OF GEORGIA

McMahon, J.:

WHEREAS, this action was commenced by the filing of a complaint in the Southern District of New York on March 11, 2022; and

WHEREAS, venue in this patent infringement case may only be set in accordance with 28 U.S.C. § 1400(b), which provides that a suit for patent infringement may be brought only in the judicial district where the defendant resides – which, in the case of a corporation, is in the state of incorporation -- or in a judicial district where the defendant has committed acts of infringement and has a regular and established place of business; and

WHEREAS, compliance with the patent venue statute is assessed based on the facts that exist at the time the plaintiff commences the action, not at some earlier time that may be relevant to the suit, *NetSoc, LLC v. Chegg Inc.*, 2019 U.S. Dist. LEXIS 171167, at *7 (S.D.N.Y. Oct. 2, 2019); and

WHEREAS, as far as is known to the court, the only judicial districts that satisfied the patent venue statute at the time this lawsuit was commenced were the Northern District of Georgia and the District of Delaware, and possibly the District of Idaho; and

WHEREAS, it is in the interest of justice to transfer this case to the Northern District of Georgia, where Defendant's principal place of business is and has been located since mid-2016, rather than to dismiss the case and require Plaintiff to bring it again; and

WHEREAS, all parties have consented to transfer;

IT IS HEREBY ORDERED that the Clerk of Court transfer this action forthwith to the Northern District of Georgia, and close the file in this District.

Dated: May 11, 2023



U.S.D.J.

BY ECF TO ALL COUNSEL